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Please reply to JOHN M. PELKEY  
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May 10, 2004

Our File No. 21216-00100-61

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RECEIVED

MAY 10 2004

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Piscataway Board of Education  
and  
King's Temple Ministries, Inc.  
MB Docket No. 04-144

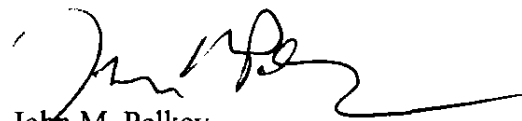
Dear Ms. Dortch:

Transmitted herewith on behalf of King's Temple Ministries, Inc., are an original and six copies of a Motion for Leave to Amend and the corresponding Amendment to be forwarded to Administrative Law Judge Arthur Steinberg with respect to the above-referenced proceeding.

The Motion that accompanies the Motion for Leave to Amend is being filed in hard copy, rather than being filed electronically, because the Commission's CDBS reflects that the application has been granted and, as a result, will not permit the submission of amendments.

If there are any questions concerning this submission, please contact the undersigned directly.

Sincerely,



John M. Pelkey

Enclosure  
JMP:yg

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**RECEIVED**

**MAY 10 2004**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of	)	MB Docket No. 04-144
	)	
PISCATAWAY BOARD OF EDUCATION	)	
	)	
For Renewal of License	)	Facility ID No. 52686
For Noncommercial Educational	)	File No. BPED-19980427WA
Station WVPH(FM), Piscataway, New Jersey	)	
	)	
and	)	
	)	
KING'S TEMPLE MINISTRIES, INC.	)	
	)	
For Construction Permit	)	Facility ID No. 91347
For a New Noncommercial Educational	)	File No. BPED-19980805MB
FM Station, Plainfield, New Jersey	)	

To: Administrative Law Judge, Arthur I. Steinberg

**MOTION FOR LEAVE TO AMEND**

King's Temple Ministries, Inc. ("King's Temple"), through counsel, hereby respectfully requests leave to amend its pending application in the above-referenced matter so as to provide the Commission with updated information concerning its current address and corporate name, its ownership structure and its other media interests. A copy of the proffered amendment is attached hereto. In support of this motion, King's Temple states as follows:

King's Temple filed the above-referenced application on August 5, 1998. In the nearly six years that have elapsed since the submission of the application, changes have occurred with respect to King's Temple mailing address and name, the composition of its board of directors and its possession of other media interests. The Amendment that is attached hereto provides the

requisite updated information concerning King's Temple as required by Section 1.65 of the Commission's rules.

### **I. Change in Address and Corporate Name.**

The post office box being used by King's Temple has changed since the submission of its application. King's Temple's current address is P.O. Box 231 Plainfield, New Jersey 07061-0231. In addition, King's Temple has changed its name to King's Temple Ministries World Outreach Church, Inc. This is a name change only.

### **II. Changes in Board of Directors**

At the time that King's Temple filed its application, the application listed a total of four directors, including Reverend Gary Kirkwood, who is Pastor and Senior President of King's Temple, and Thomas Mobley, who is Vice President of King's Temple. Although Reverend Kirkwood and Mr. Mobley continue to be board members and President and Vice President, respectively, of King's Temple, the board has changed over the last six years to now include seven voting members.<sup>1</sup> The change in the composition of the board has occurred gradually with two of the Board Members, namely Sandra Crofton and Vernon Kirkwood, having left in approximately 2002 and 2000, respectively. Such gradual changes in control are deemed to be *pro forma* in nature in the case of a noncommercial licensee. *See In Re Transfers Of Control Of Certain Licensed Non-Stock Entities*, 4 FCC Rcd. 3403, 3405-06 (1989).

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<sup>1</sup> The board also includes Board Members who do not vote.

### **III. Other Media Interests.**

Subsequent to the submission of its share time application, King's Temple filed an application to purchase the stock of K&M Broadcasters, Inc. ("K&M"), licensee of WKMB(AM), Stirling, New Jersey.<sup>2</sup> That application was granted and King's Temple subsequently purchased the K&M stock, at which point it became possessed of an attributable interest in WKMB(AM). The proffered amendment reports that ownership interest.

### **IV. The Amendment is Timely Filed Under the Circumstances.**

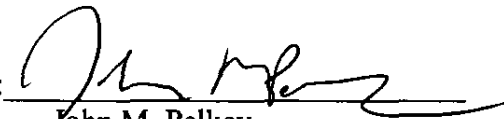
At the time that King's Temple filed its application to purchase the K&M stock, the Commission's CDBS database contained two entries with respect to the above-referenced application. One entry indicated that the application had been "tendered for filing." The second entry included a reference to a December 10, 1999 file number, cross referenced the original share time application and indicated that the submission had been "dismissed." As a result, although it was somewhat mystified by the dismissal of which it had not received notice, King's Temple did not amend the apparently-dismissed share time application to report its purchase of the K&M stock. In March, 2004, King's Temple retained counsel to look into the question of why the above-referenced application apparently had been dismissed. At that time, counsel had the Commission's files searched to locate a copy of the dismissal letter. No letter could be found. Counsel then contacted the Commission staff to determine the status of the share time application and was told to expect a pronouncement shortly. Operating on the assumption that the King's Temple application perhaps had not been dismissed, King's Temple's counsel wrote to the Commission staff. A few days later, the HDO was issued. It was not until the HDO was issued that King's Temple finally discovered that its share time application had not been

dismissed. King's Temple is submitting this Motion and accompanying Amendment within thirty days of the issuance of the HDO and respectfully requests that it be granted leave to file the Amendment so as to ensure that its application is up-to-date. Because the proffered amendment was filed within 30 days of King's Temple's discovery that its application had not actually been dismissed, does no more than update the information contained in the King's Temple application, does not seek to improve King's Temple's position in this proceeding or disadvantage Piscataway Board of Education and would not disrupt the orderly conduct of this proceeding, King's Temple should be granted leave to amend its application. *See Erwin O'Connor Broadcasting Co.*, 22 FCC 2d 140 (Rev. Bd. 1970).

Respectfully Submitted,

KING'S TEMPLE MINISTRIES, INC.

By:



John M. Pelkey

Its attorney

Garvey Schubert Barer  
1000 Potomac Street, 5<sup>th</sup> floor  
Flour Mill Building  
Washington, D.C. 20007

Date: May 10, 2004

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<sup>2</sup> See BTC-20020913AAG. K&M has since changed its name to World Harvest Communications, Inc.

**Certificate of Service**

I, John M. Pelkey, Esquire, hereby certify that on this 10th day of May, 2004, I have served a copy of the foregoing "Motion for Leave to Amend Application" first-class, postage-prepaid, on the following:

\*James Shook  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup>, Street, S.W., Room 3-A463  
Washington, D.C. 20554

Cary S. Tepper, Esquire  
Booth Freret Imlay & Tepper, PC  
7900 Wisconsin Avenue, Suite 304  
Bethesda, MD 20814-3628

  
John M. Pelkey

\* denotes delivery by-hand

FOR  
FCC  
USE  
ONLY

## FCC 340

### APPLICATION FOR CONSTRUCTION PERMIT FOR RESERVED CHANNEL NONCOMMERCIAL EDUCATIONAL BROADCAST STATION

FOR COMMISSION USE ONLY  
FILE NO.

#### Section I - General Information

1 Legal Name of the Licensee/Permittee King's Temple Ministries World Outreach Church, Inc.		
Mailing Address P.O. Box 231		
City Plainfield	State or Country (if foreign address) NJ	ZIP Code 07061
Telephone Number (include area code) 908-753-7848	E-Mail Address (if available) GKIRK75039@aol.com	
	Call Sign 980805MB	Facility Identifier 91347

2 Contact Representative (if other than licensee/permittee) John M. Pelkey	Firm or Company Name Garvey Schubert Barer
Telephone Number (include area code) 202-965-7880	E-Mail Address (if available) jpelkey@gsblaw.com

3 Is this application being filed in response to a window? ☐ Yes ☒ No

If Yes, specify closing date and/or window number: \_\_\_\_\_

#### 4. Application Purpose.

- |                                                            |                                                                            |
|------------------------------------------------------------|----------------------------------------------------------------------------|
| <input type="checkbox"/> New station                       | <input type="checkbox"/> Major Modification of construction permit         |
| <input type="checkbox"/> Major Change in licensed facility | <input type="checkbox"/> Minor Modification of construction permit         |
| <input type="checkbox"/> Minor Change in licensed facility | <input type="checkbox"/> Major Amendment to pending application            |
|                                                            | <input checked="" type="checkbox"/> Minor Amendment to pending application |

a. File number of original construction permit. \_\_\_\_\_ ☐ N/A

b. Service Type: ☒ FM ☐ TV ☐ DTV

c. Community of License: 

City Plainfield	State NJ
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d. Facility Type: ☒ Main ☐ Auxiliary

If an amendment, submit as an Exhibit a listing by Section and Question Number of the portions of the pending application that are being revised.

Exhibit No. 1
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6. a. **Parties to the Application.** List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If another entity holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary.

Name and Residence/Headquarters Address(es)  (a)	Citizenship  (b)	Positional Interest: Officer, director, investor/creditor attributable under the Commission's equity/debt plus standard, etc.  (c)	Director or Member of Governing Board		% of: Ownership (O) or Voting Stock (VS) or Membership (M)  (e)	% of: Total Assets (equity plus debt)  (f)
			Yes	No		
Andre Crawford 1141 Thornton Avenue Plainfield, NJ 07062	US	Board Member	Yes		0	0
Cynthia Crawford 1141 Thornton Avenue Plainfield, NJ 07062	US	Executive Secretary Board Member	Yes		14.2 (M)	0
David Kirkwood 31 Holly Street Somerset, NJ 08873	US	Board Member	Yes		0	0
Gladys M. Harris 1530 Glennwood Dr. Piscataway, NJ 08854	US	Board Member	Yes		0	0
Kim Mobley 958 W. 8th Street Plainfield, NJ 07060	US	Treasurer Board Member	Yes		14.2 (M)	0
Melissa E. Prayer 5 Dartmouth Avenue Bridgewater, NJ 08807	US	Financial Board Member	Yes		14.2 (M)	0
Miron Harris 1530 Glennwood Dr. Piscataway, NJ 08854	US	Chaplain Board Member	Yes		14.2 (M)	0

- b. Applicant certifies that any equity and financial interests not set forth above are non-attributable pursuant to 47 C.F.R. Section 73.3555 and that there are no agreements or understandings with any non-party that would give influence over the applicant's programming, personnel, or finances to that non-party.

☒ Yes ☐ No

See Explanation  
in Exhibit No.



6. a **Parties to the Application.** List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If another entity holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary.

Name and Residence/Headquarters Address(es)  (a)	Citizenship  (b)	Positional Interest: Officer, director, investor/creditor attributable under the Commission's equity/debt plus standard, etc  (c)	Director or Member of Governing Board		% of: Ownership (O) or Voting Stock (VS) or Membership (M)  (e)	% of: Total Assets (equity plus debt)  (f)
			Yes	No		
Rev. Gary Kirkwood 42 Winston Drive Somerset, NJ 08873	US	Senior President Board Member	Yes		14.2 (M)	0
Thomas E. Mobley 958 W. 8th Street Plainfield, NJ 07060	US	Vice President Board Member	Yes		14.2 (M)	0
Toya Pope-Kirkwood 31 Holly Street Somerset, NJ 08873	US	Board Member	Yes		0	0
Valerie Jenkins 617 Center Street Piscataway, NJ 08854	US	Sergeant at Arms Board Member	Yes		14.2 (M)	0

- b. Applicant certifies that any equity and financial interests not set forth above are non-attributable pursuant to 47 C.F.R. Section 73.3555 and that there are no agreements or understandings with any non-party that would give influence over the applicant's programming, personnel, or finances to that non-party.

☒ Yes ☐ No

See Explanation  
in Exhibit No.

**This box is for FCC use only:**

Technical Points:

- ☐ 0 points.
- ☐ 1 point Applicant's proposal covers the largest area and population, and both area and population are 10% greater than next best proposal; or
- ☐ 2 points Applicant's proposal covers the largest area and population, and both area and population are 25% greater than next best proposal.

**POINTS CLAIMED BY APPLICANT (from Questions 1-3)**

**TECHNICAL POINTS? (from Question 4)**

**TOTAL POINTS**

**Section V -- Tie Breakers -- New and Major Change Applications Only** (used to choose among competing radio and television applicants receiving the same number of points in Section IV)

- 1 **Existing Authorizations.** By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of relevant broadcast station authorizations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in IV(2)(b) above. TV applicants should count all attributable full service TV stations, commercial and noncommercial and TV translator stations other than fill-in stations or those identified in IV(2)(b) above.

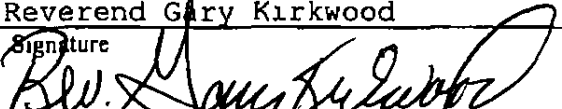
(number of commercial and noncommercial licenses and construction permits)

- 2 **Pending Applications.** By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of pending applications for new or major changes to relevant broadcast stations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in IV(2)(b) above. TV applicants should count all attributable full service TV stations, commercial and noncommercial, and TV translator stations other than fill-in stations or those identified in IV(2)(b) above.

(number of pending commercial and noncommercial applications)

**Section VI -- Certification**

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing Reverend Gary Kirkwood	Typed or Printed Title of Person Signing Senior President
Signature 	Date 5/6/04

**Exhibit 1**  
**FCC 340**  
**Application for Construction Permit**  
**Non-Commercial Educational Broadcast Station**  
**King's Temple Ministries World Outreach Church, Inc.**

**Exhibit 1**

This Amendment is being submitted to provide the Commission with a corrected address for the applicant and with updated information concerning the applicant's board of directors and the applicant's attributable interests in other media. Specifically, Section I, Question 1; Section II, Question 6; and Section II, Question 7 are being amended through this Amendment.

**Exhibit 2**  
**FCC 340**  
**Application for Construction Permit**  
**Non-Commercial Educational Broadcast Station**  
**King's Temple Ministries World Outreach Church, Inc.**

**Exhibit 2**

The applicant holds all of the stock in World Harvest Communications, Inc., which is the licensee of WKMB(AM), Stirling, New Jersey, Facility ID No. 32985.